

file 74-1848
19 August 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Further Administration Action on Conferees
Consideration of Freedom of Information
Act Amendments

1. Mr. Dick Ober from the National Security Council Staff called on the above subject. OMB is circulating the draft of a letter from President Ford to Senators Kennedy and Hruska concerning the Conferees' upcoming action on HR 12471. The draft is being circulated to State, Defense, Justice, Civil Service, and White House Legislative. Ober advised also that Dick Kennedy had suggested to OMB that the draft be circulated to CIA.

2. The draft letter indicates that the Conferees have given the Administration until tomorrow, Tuesday the 20th, to convey to the Conferees the President's or the Administration's views.

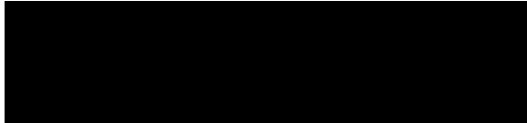
25X1A 3. Mr. Ober read me a portion of the letter. In it the President states: "that I simply cannot accept a provision that would subject the protection of military secrets and diplomatic relations to judicial determination." Mr. Ober, having talked with [REDACTED] earlier this morning, has proposed a revision so that it would read: "military or intelligence (including intelligence sources and methods), secrets or diplomatic relations" etc.

25X1A 4. Bob Bedell, of OMB General Counsel, also called. He had incorporated the Ober-[REDACTED] language. The proposed letter does attempt to reinstate the provision that the classification decision is to prevail unless the court finds it to be arbitrary. He also proposes that any personal determination by the President is not to be set aside.

5. The letter also flatly rejects sanctions against employees. He urges flexibility in the requirements for timely action by the departments, based on the Senate version. It criticizes the prohibition against assessing costs, but does not reject the provision.

6. Bedell promised to send us a copy of the letter. The letter is addressed to the Conferees, not merely Kennedy and Hruska.

25X1A



Associate General Counsel

cc: OLC